



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,996	07/25/2003	William J. Furnas	WJF-1	2237

7590

04/05/2006

Spencer T. Smith
53 Silver Brook Lane
North Granby, CT 06060

EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,996

Applicant(s)

FURNAS, WILLIAM J.

Examiner

Ramnandan Singh

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on Jan. 09, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to because Figs. 8 and 9 contain blocks with over-written labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-6, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams [US 6,400,814 B1].

Regarding claim 1, Adams teaches a communication device (i.e. cellular phone) shown in Figs. 1, 3, comprising:

means (cellular phone 10) for receiving a call signal from a remote source [Fig. 1];

an audible ring generator (32) for activating a ring signal (generator) (23) responsive to the receipt of the call signal [Fig. 3; col. 4, lines 4-25];

deactivation means (switch 30) for turning off an activated ring signal (generator) (23) [col. 4, lines 26-34]; and

means for operating the deactivation means (switch 30) to turn off a ring signal by striking the communication device (i.e. depressing the mute soft key 18 of the cellular phone) [Figs. 1, 3, 5; col. 4, lines 34-54].

Regarding claim 5, Adams teaches a portable device (i.e. cellular phone) shown in Fig. 1, comprising:

an audible alert generator (32) for activating an alert signal (i.e. ringer) (23) responsive to a user of some required action (i.e. depressing mute soft key 18) [Fig. 3; col. 4, lines 4-25];;

deactivation means (switch 30)) for turning off an activated alert signal (i.e. ringer) (23) [col. 4, lines 26-34]; and

means for operating the deactivation means (switch 30) to turn off the alert signal (i.e. ringer) by striking the communication device (i.e. depressing the mute soft key 18 of the cellular phone) [Figs. 1, 3, 5; col. 4, lines 34-54].

Regarding claim 2, Adams further teaches the communication device, wherein the means for operating the deactivation means to turn off a ring signal by striking the communication device comprises:

signal generating means (i.e. call controller 36) for generating a struck signal (i.e. depressed soft key signal) when the communication device is struck (i.e. depressed);

processing means (ringer controller 28) for receiving a generated struck signal and producing a control signal [col. 4, lines 34-37]; and

ringer control means (28) for actuating the means for operating the deactivation means (i.e. switch 30) to turn off a ring signal (generator) (32) by striking the

communication device (i.e. depressing the mute soft key 18 of the cellular phone) upon the receipt of a control signal [col. 4, lines 26-54].

Claim 6 is essentially similar to claim 2 and is rejected for the reasons stated above.

Regarding claim 4, Adams further teaches the communication device, wherein the communication device is a mobile phone (i.e. cellular phone 10) [Figs. 1-2; col. 3, line 18 to col. 4, line 3].

Claim 10 is essentially similar to claim 4 and is rejected for the reasons stated above.

Regarding claim 8, Adams further teaches the device, wherein the action taken after the contact has been detected is programmable (i.e. call controller (36) is programmable) [col. 5, line 59 to col. 6, line 2].

Regarding claim 9, Adams further teaches the device, where there is a pattern of interaction from the user to select a programmable action by the device [Fig. 5; col. 5, line 47 to col. 6, line 2].

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams as applied to claim 5 above, and further in view of Awada et al [US 20030092428 A1].

Regarding claim 11, Adams does not teach expressly the device, wherein the device is a personal digital assistant (PDA).

Awada et al teach data processing system 200 shown in Fig. 2, wherein the data processing system may be a personal digital assistant (PDA) [Figs. 1-2; Para: 0022-0027].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Awada et al with Adams in order to use the data processing system 200 of Awada et al as a stand-alone device such as a personal digital assistant (PDA) [Awada et al; Para: 0027].

Regarding claim 12, Awada et al further teach that the data processing system

200 may a personal mobile device [Awada et al; claim 14].

Allowable Subject Matter

7. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Examiner's Statement for Reasons of Allowance:

The following is an examiner's statement of reasons for allowance:

Claim 3 identifies the uniquely distinct feature of a communication device, wherein the means for operating the deactivation means to turn off a ring signal by striking the communication device comprises microphone means for receiving environmental noise, signal generating means for generating a struck signal when the received environmental noise corresponds to noise resulting from the striking of the communication device, processing means for receiving a generated struck signal and producing a control signal, and ringer control means for actuating the means for operating the deactivation means to turn off a ring signal by striking the communication device upon the receipt of a control signal. As such, claim 3 requires muting a ring signal based on received environmental noise wherein the received environmental noise corresponds to noise resulting from the striking of the communication device. While the closest prior art,

Adam [US 6,400,814 B1], Yasuda et al [US 5,995,852] and Kelly [US 6,594,354 B1] each teach muting a ring signal, Adams by depressing a mute soft key, Yasuda et al by depressing a power key, and Kelly by using proximity status information; none of them show or suggest **muting a ring signal based on received environmental noise wherein the received environmental noise corresponds to noise resulting from the striking of the communication device**. As such, the prior art, either singularly or in combination, fail to anticipate or render the above underlined limitation obvious. Therefore, claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 is essentially similar to claim 3 and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yasuda et al [US 5,995,852] teach muting an alert sound by depressing a power key [Whole document].

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to be 'RNS' with a large, sweeping underline.